IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6397 of 2004

Firdos Shakari Griha Nirman Sanstha
Nashik .. Petitioner

versus

Sarfaraj Babamiya Inamdar & Ors. .. Respondents

...

Mr.Anilkumar Patil for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 16th February 2006.

P.C.:

1. Heard learned counsel for the petitioner.

2. The petitioner is a Co-operative Housing Society and the respondent no.1 is its member. It appears that respondent no.1 obtained certain loan from respondent no.1 through the petitioner.

3. Alleging that the respondent no.1 had not repaid the loan in its entirety, the petitioner filed an application u/s.101 for recovery of the amount

allegedly due. Respondent no.1 contested the application. The Asstt. Registrar allowed the application in part holding that part of the amount claimed was due. The Asstt. registrar accepted the defence of the respondent no.1 in part that he had repaid the amount and passed the order for recovery of only the part of the amount. The petitioner was not aggrieved by the said order as it did not filed any appeal against the said order. Respondent no.2 filed a revision before the Divisional Joint Registrar and challenged the order dated 28th August 2002 passed by Asstt. Registrar granting the claim of the petitioner only in part. The Divisional Joint Registrar dismissed the revision. That order is impugned in the present petition.

4. In my view, the petitioner has no locus to challenge the order of the Divisional Joint Registrar. The order dated 28th August 2002 passed by Asstt. Registrar granting petitioner’s claim only in part has become final qua the petitioner. The petitioner did not challenge the said order. It cannot now challenge the said order which was challenged only by respondent no.2 in revision. That revision has been properly dismissed.

5. Hence, Writ Petition is rejected.

(D.G. KARNIK, J)